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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Weber, Gerhard P.  
SERIAL NO : 09/490,394  
FILED : January 24, 2000  
TITLE : HYBRID MAIZE PLANT & SEED 39W54

Grp./A.U. : 1638  
Examiner : Benzion, G..  
Conf. No. : 7097  
Docket No. : P04359US0

**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER  
37 CFR § 1.111 TO OFFICE ACTION MAILED JULY 31, 2001**

To the Assistant Commissioner of Patents  
Washington, D. C. 20231

Dear Sir:

This paper is filed in response to the Office Action mailed July 31, 2001. The Examiner is requested to consider the accompanying remarks. Reconsideration is respectfully requested.

**IN THE CLAIMS**

Please amend claim 16 as follows:

16. (Amended)

A hybrid maize plant according to claim 2, wherein the genetic material of said plant further comprises one or more genes transferred by backcrossing.

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))**

I hereby certify that the foregoing is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 this 31<sup>st</sup> day of October, 2001.

Heidi S. Nebel